



# PUBLIC NOTICE

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**DA 22-272**

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## **WIRELINE COMPETITION BUREAU REMINDS CARRIERS OF THEIR ONGOING OBLIGATION TO ENSURE THEIR FEDERAL TARIFFS REMAIN LAWFUL**

### **WC Docket No. 22-108**

By this Public Notice, the Wireline Competition Bureau reminds telecommunications carriers of their continuing obligation to regularly evaluate and revise their tariffs to ensure those tariffs are consistent with the Commission's rules and orders.<sup>1</sup> The Commission's decisions in various proceedings, including tariff investigations, may require carriers to revise their existing tariffs to ensure they comply with the Commission's rules.<sup>2</sup> We remind carriers that even tariff provisions that have been deemed lawful pursuant to section 204 of the Communications Act of 1934 (the Act) are subject to reevaluation and may be found to be unlawful on a prospective basis.<sup>3</sup> Accordingly, the Commission advises carriers to review their tariffs periodically and file any revisions that are necessary to ensure that the tariffs comply with the Act and the Commission's decisions and rules.

For further information, please contact Christopher Koves, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-8209, or at [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

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<sup>1</sup> *Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996*, CC Docket No. 96-187, Report and Order, 12 FCC Rcd 2170, 2183, para. 21 (1997) (explaining that "a rate that is 'deemed lawful' can also be reevaluated as to its future effect under sections 205 and 208 and the Commission may prescribe a rate as to the future under section 205."); *ACS of Anchorage, Inc. v. FCC*, 290 F.3d 403, 411 (D. C. Cir. 2002); 47 CFR § 61.16.

<sup>2</sup> See, e.g., *July 1, 2018 Annual Access Charge Tariff Filings; South Dakota Network, LLC Tariff F.C.C. No. 1*, WC Docket No. 18-100; Transmittal No. 13, Memorandum Opinion and Order, 34 FCC Rcd 1525 (2019); *Northern Valley Communications, LLC, Tariff F.C.C. No. 3*, WC Docket No. 20-11, Transmittal No. 12, Memorandum Opinion and Order, 35 FCC Rcd 6198 (2020), *appeal docketed*, *Northern Valley Commc'ns, LLC v. FCC*, No. 20-1287 (D.C. Cir. July 29, 2020); *Core Communications, Inc., et al. Tariff F.C.C. No. 3*, WC Docket No. 21-191, Transmittal No. 17, Memorandum Opinion and Order, FCC 21-109 (2021) (*Core Tariff Investigation Order*) *pet. for review filed*, *CoreTel Delaware, Inc. v. FCC*, No. 21-3170 (3d Cir. Nov. 22, 2021).

<sup>3</sup> For instance, in the recent *Core Tariff Investigation Order*, the Commission found unlawful certain provisions that Core claimed were also present in other carriers' tariffs. *Core Tariff Investigation Order* at 13-14, paras. 29-30 & nn.103-04.